

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

DOCKET NO. 3:15cr226-FDW

UNITED STATES OF AMERICA,

Plaintiff,

v.

CLAUDE BERNARD MCRAE,

Defendant.

ORDER OF FORFEITURE

THIS MATTER is before the Court on sentencing of Defendant and the Court's inquiry at sentencing about whether issuance of a forfeiture money judgment is appropriate.

THIS COURT FINDS AS FOLLOWS:

1. The Bill of Indictment (Doc. 3) in this case charged Defendant with health care fraud conspiracy in violation of 18 U.S.C. § 1349. The Indictment also provided notice that property was subject to forfeiture pursuant to 18 U.S.C. § 982 and 28 U.S.C. § 2461(c), and specifically contained a Grand Jury finding that there was probable cause that a forfeiture money judgment of "at least \$2,709,252," representative of the proceeds of the conspiracy, was subject to forfeiture.

2. Following trial, a Jury returned a Verdict of Guilt on the health care fraud conspiracy charge.


3. The trial and sentencing record establish the scope and breadth of Defendant's offenses and their financial impact. Further, the record includes information supporting restitution losses of \$1,615,499.22.

4. At the sentencing hearing on November 7, 2016, counsel for the United States stated that the forfeiture amount should mirror restitution, which would constitute an accurate measure of net proceeds that the Government would seek in forfeiture in this particular case. The Court agrees that, following a fully developed record including trial evidence and sentencing materials, the \$1,615,499.22 in restitution losses are an appropriate and more accurate measure of forfeiture proceeds than the figure set forth in the Indictment.

IT IS THEREFORE ORDERED that, for purposes of Fed. R. Crim. P. 32.2, 18 U.S.C. § 982(a)(7), and 28 U.S.C. § 2461(c), and based on the Indictment and Grand Jury finding of probable cause, Verdict of Guilt on health care fraud conspiracy, and record, the Government has established the amount of the money judgment and this Order shall constitute a money judgment for the following property:

A forfeiture money judgment in the amount of \$1,615,499.22, such amount constituting the proceeds of the health care fraud conspiracy of which Defendant was found guilty.

SO ORDERED.


FRANK D. WHITNEY
US DISTRICT JUDGE